

## U. S. ACTION FAILS TO HALT TUNNEL PLAN

New York and New Jersey Will Continue Working for Hudson River Project.

### BILL IS READY IN ALBANY

Gov. Smith Favors Improvement, but Wonders Where State Will Get Money.

### Special Dispatch to The Sun.

ALBANY, Feb. 8.—New York and New Jersey will go on with present plans for building the \$12,000,000 vehicular tunnel between New York city and Jersey in spite of the action of the United States senate in refusing to include an appropriation for half that amount in the post office bill. So said New York officials tonight.

Republican leaders in the Legislature after a conference on the tunnel plan announced two weeks ago that they had agreed to pass a bill authorizing this state to "go halves" with New Jersey on the tunnel cost, and that a bill appropriating \$1,000,000 for immediate use in starting the tunnel would be put through likewise.

Council for the New York State Bridge and Tunnel Commission already have prepared such a bill, and it is understood that Speaker Sweet of the Assembly has a copy of it ready to submit to the other Republican leaders early next week. As soon as several details are agreed upon the measure will be introduced and its passage by the Legislature will be a matter of only a few weeks, it is believed.

Nothing under discussion for a time as to whether tolls would be charged for trucks and wagons using the tunnel. The New Jersey authorities were inclined to the belief that the tunnel should be free to all traffic. Speaker Sweet and Republican leaders, however, believed that tolls should be charged so that the cost of the tunnel to each state would be amortized in less than twenty years.

These figures are based on calculations of experts as to the minimum traffic that might be expected through the new tube. The difference in opinion was brushed out last week when Governor Smith had the New York legislative leaders and the New Jersey leaders at the mansion for a conference. The Jersey men agreed that if New York State would extend tolls charged, tolls would be charged. It is expected that the bill will fix the tolls and will go into detail on other matters of financing.

Governor Smith has not stated yet that he favors the appropriation for the tunnel this year. He wants the tunnel, but says he will not let New York people but upstate people who send food and other products to New York, and should be built without delay, no matter how urgent New York State's money market is.

### STATE FILES ANSWER IN 80 CENT GAS CASE

Strong Defence of Constitutionality Is Promised.

### Special Dispatch to The Sun.

ALBANY, Feb. 8.—Defence of the constitutionality of the 80 cent gas law in New York city was started today by Attorney General Newton in his answer to the complaint of the Consolidated Gas Company, seeking to have declared null and void the law of 1908 fixing the price of gas for Manhattan and The Bronx.

This is the first step in what promises to be a long fight case. The Legislature is to appropriate \$100,000 to carry on the fight. Attorney General Newton will have charge and will direct the experts who will be employed to assist in making the State's case. He has designated Wilbur W. Chambers, one of his deputies, to assist him.

The action to nullify the law was attacked against the New York City Public Service Commission, District Attorney Swanwick and the Attorney General, asking to restrain those officers from enforcing the 1908 statute.

The law provides a fine of \$1,000 for every violation and for every charge in excess of 50 cents for gas. The company's complaint states that any action to increase rates would render it liable to an annual fine of approximately \$6,000,000. The answer of the Attorney General states that the gas company's burden of sustaining its complaint that the cost of manufacturing and distributing gas has increased to such an extent as to make the enforcement of the 80 cent rate the equivalent of confiscation of its property.

### GOVERNOR SPENDS DAY AT CITY HALL

Confers With Moran, Who Will Be Acting Mayor in Hyman's Absence.

### Special Dispatch to The Sun.

Gov. Smith was at the Governor's Room in the City Hall yesterday and had a steady stream of callers from 11 o'clock until well into the afternoon. As no public occasions they had all sorts of requests to make and suggestions to offer, but the Governor said that nothing of extraordinary interest developed.

Col. Pierre Bailey, U. S. A., of Washington, discussed the case of the feeble-minded. Representative Anthony J. Griffin of The Bronx asked the Governor to speak for a bill providing certain formations in New York harbor before the House committee next week, but he was told it was impossible.

Warren Homer of Great Meadow Park called up on the telephone to ask if Michael Barker, a convict, might attend the funeral of his mother in Brooklyn on Monday. The Governor gave the permission. The convict will go on Sunday.

Alfred R. Glynn, a private in the 166th Infantry, a nephew of the Governor, who had been wounded and gassed in France, had a short talk with him today.

The Governor said he had received no complaints in regard to the decision of Inspector Costigan and that he had nothing to say on the subject. He would wait until he received some further information on the matter before commenting on the request of the Public Service Commission for an appropriation of \$100,000 to fight the application of the Consolidated Gas Company for an increase in rates.

The Governor had a long talk with Mayor Hylan and President Moran of the Board of Aldermen in the Mayor's office. He said that he had simply called to pay his respects, but it was surmised that the business of President Moran was to talk over his job as Acting Mayor during the absence of Mayor Hylan at Palm Beach.

## BORAH FAILS TO GAIN CENSORSHIP REPEAL

Senator Seeks to Obtain Removal of Press Gag in Post Office Bill.

### LOSES ON TECHNICALITY

His Effort to Suspend Rules Voted Down—Measure Now Goes to Conference.

### Special Dispatch to The Sun.

WASHINGTON, Feb. 8.—After a spirited but futile fight by Senator Borah (Idaho) to repeal the censorship powers of the Postmaster-General, the annual Post Office appropriation measure, carrying a total of \$400,000,000 and providing for \$200,000,000 additional for road building in the coming three years, was passed to-day in the Senate. The measure must go to conference for adjustment.

Mr. Borah urged that exercise of the powers granted the Postmaster-General under the espionage act was tantamount to the creation of a complete censorship of the press. He demanded the repeal of the section of the law on purely impersonal grounds, however, without referring to Mr. Burleson's conduct of the office.

The amendment proposed by Senator Borah was purely new legislation in an appropriation measure and therefore under Senate rules subject to a point of order as such. Chairman Bankhead of the Post Office Committee at once made this point of order, which was sustained by the Vice-President, and Senator Borah thereupon moved the suspension of the rule for the admission of his proposition. This would have required a two-thirds vote of the Senate, and was something that Mr. Borah wisely did not even hope for, although he was able by making it to place the Senate originally on record on the subject. The motion to suspend the rules was defeated, ayes 25, noes 29.

Regarding Clause as Dangerous.

In addressing himself to the subject of the proposed removal of post office censorship Senator Borah explained this amendment did not propose repeal of any of the Espionage act except the provisions giving the Postmaster-General authority to exclude matter from the mails which he might hold to be in violation of the terms of the Espionage act, said Mr. Borah. "I realized in a complete censorship of the American press. In my opinion if Congress ever should assume to usurp the power to establish a censorship there could be no more effective and successful method adopted than that of giving the Postmaster-General certain powers with reference to the exclusion of printed matter from the mails. When the Espionage act was first before Congress it provided specifically for a censorship of the press, a thing which seemed almost incredible to be proposed. It was stricken out after long debate, but this clause which had the same effect remained in the bill."

"I said in the Senate at the time that if this clause remained in the bill it would mean just as complete a censorship as the clause which was intended to be stricken out. A censorship and practice has demonstrated that was a correct statement. The way in which this amendment to censorship was this. It is an article appearing in a newspaper which the Postmaster-General deems to be in violation of the espionage law attention is called to the fact by excluding the newspaper from the mails and immediately the editor or the publisher seeks consultation with the Postmaster-General and obtains from him an information or guidance as to what shall thereafter appear in the paper and not be in violation of the law. That is a complete system of licensing the press."

Defends Freedom of Press.

"I am not now discussing the question as to whether this or that particular newspaper should have been excluded. I simply call attention to the fact to direct attention to the legal question that this resulted in doing that which we as Congress have no power whatever to do. It not only resulted in establishing a censorship but it resulted in a very universal feeling that it would not apply with equal force and effect to all newspapers."

"So there has been in this country since the day that Congress passed this act just as complete a censorship as that which was intended to be stricken out. I have in mind the case of the great minds of those days, battled so earnestly and finally so successfully. Now the war is over and the most serious questions which could possibly confront a people—domestic questions—are up for consideration."

A Domestic Question Now.

"There is a belief that this censorship still obtains. I do not know what the opinion of the Postmaster-General is, for I do not know whether he regards it as closed or not, but there is a universal belief throughout the country that it is still in existence and that the law may still be invoked. We might be willing to yield upon such matters in the exigency of war, but when peace has been restored and we are dealing with our domestic concerns there ought not to be any restraint upon the mind of the American people in any way, shape or form."

"People should be free to express themselves upon these questions with our fear of criticism or without fear of having their publications in any way restrained or interfered with. There is nothing better established as a historical fact than the belief in the minds of the framers of the Constitution of the United States that they gave no power whatever to Congress to deal with the subject matter of the freedom of the press or of free speech. That was the opinion of the men in the constitutional convention. It was the opinion of Hamilton and Madison, the principal authors of the Federalist. It was repeatedly stated in the debates in the different State conventions with reference to the ratification of the Constitution."

BURLESON CENSURED IN COURT.

Service Commission Counsel Sees Designs on Public Utilities.

Special Dispatch to The Sun.

ALBANY, Feb. 8.—Postmaster-General Burleson was censured to-day for taking over the telephone lines of Albany county by Leonard P. Hale, counsel for the Second District Public Service Commission, arguing before Supreme Court Justice Ruld on the application for an injunction to prevent the local company from putting into effect the higher telephone rates fixed by the Postmaster-General.

"If I had the power I would make and defend his action in open court," said Mr. Hale, who asserted his belief that the telephone lines were not taken as a war measure, "but simply to embark the United States on a course of public ownership of public utilities."

Spencers

SURPLICE SPENCERS of soft, knitted wool—in a variety of excellent shades.

Value 3.50. 2.95

KNITTED JACKETS for wear under coats and suits.

Value 2.50. 1.95

New Gingham

We are now showing a complete assortment of the best American and Scotch gingham, in checks, stripes, plaids and plain shades.

.45 to 1.35 yd.

## Men's Spring Shirts



Incomparable for

- 1—WEAR.
- 2—STYLE.
- 3—COLORINGS.

Sold for 12.75

Our Price 8.75

## Extraordinary Tie Special

One of the handsomest and most varied assortments of strictly high grade silk four-in-hands we have ever offered.

Values \$2.00, \$2.50

1.45

## Knitted Scarfs

Pure thread silk and extra long, suitable for men or women, for street or motor.

Value \$6.50

4.95

## February FUR SALE

Only a few more coats and small pieces left—these we will close out at remarkable reductions.

### Coats

HUDSON SEAL COATS—A distinctive plain model or with heavier collar and cuffs.

Formerly \$350.00. 285.00

HUDSON SEAL COATS—Plain.

Formerly \$425.00. 350.00

HUDSON SEAL COAT with skunk collar and cuffs.

Formerly \$485.00. 420.00

NATURAL MUSKRAT COAT—Smart length.

Formerly \$195.00. 165.00

NUTRIA COATS—Short box model.

Formerly \$225.00. 185.00

### Small Pieces

HUDSON SEAL MUFFS—

Formerly \$26.00. 21.00

SKUNK MUFFS—

Formerly \$47.50. 38.50

MOLE COLLARS—

Formerly \$65.00. 55.00

SKUNK SCARFS—

Formerly \$82.00. 74.00

NATURAL SQUIRREL shawl collar.

Formerly \$130.00. 112.00

### Luggage

Convenient Enamelled Suit Cases.



LARGE ROOMY CASE—Light weight but strong construction. Separate tray—2 buckle clasp and 1 lock—reinforced corners, cretonne lined—4 hinged pockets. Sizes 24, 26, 28 inches.

Value 7.50

5.95

EXTRA STRONG and well made cases that are extremely roomy. Separate tray, fancy cretonne lined—4 hinged pockets, straps all around and lock. 26, 28 inches.

Value 8.75

7.45

### Box Sale

Women's Hosiery

PURE THREAD SILK HOSE with cotton tops and soles—in Black, White and Grey.

Pr. .95. 6 at .90 pr.

PURE THREAD SILK HOSE—Full fashioned, in Black, White, Russian Calf, Grey and Navy.

Pr. 1.50. 6 at 1.45 pr.

### Spencers

SURPLICE SPENCERS of soft, knitted wool—in a variety of excellent shades.

Value 3.50. 2.95

KNITTED JACKETS for wear under coats and suits.

Value 2.50. 1.95

### New Gingham

We are now showing a complete assortment of the best American and Scotch gingham, in checks, stripes, plaids and plain shades.

.45 to 1.35 yd.

# Arnold, Constable & Co.

5th Avenue at 40th Street

## FOUR MERCHANDISING EVENTS

Week of February 10th to 15th

Early Shopping Advised

### Event No. I

Radical Reductions to Close Out

## Winter Blankets and Comfortables

### Blankets

Prs.	Formerly	Now
35 Grey Blankets,	\$6.00	5.00 pr.
30 White Blankets, pink or blue borders,	9.45	8.10 pr.
20 White Blankets, pink or blue borders,	10.50	9.45 pr.
10 White Blankets, pink or blue borders,	14.50	12.95 pr.
25 Blankets, solid colors and stripes,	20.00	18.00 ea.

### Comfortables

Formerly	Now
73 Cotton Filled Comfortables,	\$5.25 4.25
55 Cotton Filled Comfortables,	6.75 5.95
30 Cotton Filled Comfortables,	8.50 6.95
58 Wool Filled Comfortables,	12.50 10.95

Also a choice variety of Silk Comfortables in plain and fancy effects—wool filled, greatly reduced for clearance.

### Event No. II

## 650 New "Made-Up" Rugs

These rugs are made up in our own factory from our own stock of the best grades of Wilton, Axminster, Wilton Velvet and Brussels Carpets. In a well assorted range of sizes and colors—plain or figured effects.

1/2 off regular rug prices.

Approximate Sizes and Special Prices as Below

4.6x4.6.	8.00 to 10.00	9.0x6.9	25.00 to 35.00
7.0x4.6.	12.00 to 15.00	10.6x6.9	32.50 to 37.50
9.0x4.6.	15.00 to 20.00	10.6x7.6	35.00 to 47.50
6.0x6.0.	13.50 to 17.50	12.0x9.0	37.50 to 52.50
7.6x6.0.	17.50 to 25.00	13.6x9.0	47.50 to 57.50

### Bigelow and English and Axminster Carpetings

in an assortment of discontinued patterns. To be closed out.

Regularly \$4.50 to \$6.50 per yard. Sale Prices 2.50, 3.00 and 3.50 yard

Wilton Rugs—Made of highest grade Worsted Yarns—the loom products of Bigelow Hartford Carpet Co. and of the best known English manufacturers. These rugs come in a variety of choice designs and dependable colorings. Sizes from 27x34 inches to 11.3x13.6.

Regularly \$10.00 to \$155.00. For this event 8.00 to 139.00

### Event No. III

## The Sale of SILK Sales

Disposal of 18,000 yards

Because of tremendous quantities on hand, sale lasts throughout the week.

Sport, Evening and Day Wear Silks

Plain, Fancy and Striped Silks.

Prices Revised to Insure Immediate Removal

	Stock Price	Sale Price
2,000 yards—ALL SILK GEORGETTE CREPE—40 inches—50 shades	\$2.75	2.15
2,500 yards—COLORED DRESS SATIN—36 inches—75 shades	3.25	2.65
1,500 yards—BLACK CHIFFON TAFFETA—36 inches wide	2.50	2.25
1,200 yards—BLACK DRESS SATIN—40 inches wide	4.50	3.75
1,800 yards—COLORED TAFFETA—36 inches—25 shades	2.50	2.25
2,000 yards—FIGURED FOULARD—40 inches wide—new designs	3.00	2.50
1,000 yards—SILK CREPE DE CHINE—40 inches wide—40 shades	3.25	2.50

### 5000 yards Fancy Silks

Comprising figured, striped and brocaded Satins, Gros Grains, Metal Silks, striped Cloth of Gold, fancy Chiffons, Voiles, etc.

Formerly 2.00 to 25.00 yd.

Reduced to 1.25 to 12.00 yd.

### Remnants

Plain and fancy weaves, including Taffetas, Satins, Wash Silks, Georgettes, Brocades, Stripes and figured effects. Suitable for blouses, skirts, trimming, etc.

Regularly 2.00 to 10.00.

Now 1.25 to 5.00

### Lining Silks

Durable Silks and Satins, in White, Black, Flesh and a variety of other desirable shades.

Regularly 2.00 yd.

Now 1.65

### Event No. IV

## Important—MEN—Underwear

Fall and Winter Underwear

1830 pieces

1/4 to 1/3 reductions

Spring and Summer Underwear

A Specially Arranged Sale to Meet the Purse of Everyone

### Table No. I

Morley's English cotton drawers.  
Morley's odd balbriggans.  
Fine line thread drawers.  
Athletic union suits.  
Athletic nainsook underwear.

Reduced from 1.15 to 1.50

to .95

### Table No. III

American Hosiery Co.'s underwear.  
"Vassar" ribbed cotton union suits.  
"Peerless" ribbed union suits.  
Morley's best balbriggans.  
Morley's fine quality hosiery.

Reduced from 3.25 to 3.75

to 2.75

### Table No. II

Merino shirts and drawers.  
Imported Swiss athletic underwear.  
Morley's medium weight balbriggans.  
Fine ribbed cotton union suits.  
English white hosiery drawers.

Reduced from 2.00 to 2.75

to 1.75

### Table No. IV

Peerless union suits—better grades.  
Fine quality gauze merino.  
Imported English light merinos.  
Fine super weight merinos.  
Vassar heavy cotton union suits.

Reduced from 4.25 to 5.50

to 3.75

Note—Goods bought at this sale will not be returnable. If a bona-fide sale is made, no return or approval allowed.

### 130 Coats